

Assembly Bill No. 2227

CHAPTER 683

An act to add and repeal Sections 26211, 26212, 26213, 26214, 26215, 26216, and 26217 of the Public Resources Code, relating to energy efficiency.

[Approved by Governor September 27, 2014. Filed with
Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2227, Quirk. Citizens Oversight Board: implementation.

The California Clean Energy Jobs Act, an initiative approved by the voters at the November 6, 2012, statewide general election as Proposition 39, made changes to corporate incomes taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Existing law provides for allocation of these funds to public school facilities, university and college facilities, other public buildings and facilities, as well as job training and workforce development, and public-private partnerships, for eligible projects, as specified. Existing law establishes the Citizens Oversight Board and requires it to, among other things, annually review all expenditures from the Clean Energy Job Creation Fund.

This bill would, among other things, require members of the board to serve for a term of 4 years and authorize them to serve for up to 2 additional terms. The bill would provide for the appointment of a chair and vice chair of the board, establish the responsibilities of the chair and vice chair, and require the board to meet at least 4 times per year or as often as the chair or the board deems necessary to conduct its business. The bill would authorize the formation of committees and would require the board to prepare an annual report, as specified.

The bill's provisions would become inoperative on July 1, 2019, and would be repealed as of January 1, 2020.

The people of the State of California do enact as follows:

SECTION 1. Section 26211 is added to the Public Resources Code, to read:

26211. (a) Funding for the board shall be available, upon appropriation by the Legislature, in the annual Budget Act.

(b) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes

operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 26212 is added to the Public Resources Code, to read:

26212. (a) Members of the board shall serve for a term of four years and may be reappointed for up to two additional terms.

(b) A majority of board members shall constitute a quorum.

(c) The board's principal office shall be located in the State Energy Resources Conservation and Development Commission's office in Sacramento.

(d) Each board member shall be entitled to one vote. All votes shall be recorded and reported in the minutes of the board.

(e) The board shall select from among its members a chair and a vice chair, as provided in Section 26214.

(f) Members of the board shall not be compensated for their service, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

(g) Requests for reimbursement for actual and necessary expenses shall be submitted to the chair for approval and may be paid in accordance with Section 26217.

(h) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 26213 is added to the Public Resources Code, to read:

26213. (a) The board shall meet at least four times per year or as often as the chair or the board deems necessary to conduct its business.

(b) The chair shall, with the assistance of staff, prepare the agenda for each board meeting. Meeting agendas shall be prepared in advance of each meeting based on input from board members, staff, and the public.

(c) The board and any committees established by the board shall comply with, and be subject to, the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(d) The board shall comply with, and be subject to, the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(e) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 26214 is added to the Public Resources Code, to read:

26214. (a) The first meeting of the board, at which a chair shall be selected, may be held upon appointment of all nine members of the board and shall be called jointly by the Treasurer, the Controller, and the Attorney General.

(b) The board shall elect a chair and vice chair at the first meeting of the board each year and each such individual shall hold office for one year

commencing on the following July 1 and ending when his or her successor takes office. If there is a vacancy during the year in the office of the chair or vice chair, a majority of the active members of the board shall elect a replacement chair or vice chair to serve the remainder of the year. If the interim vacancy is in the office of the chair, then the vice chair shall perform the duties of the chair until a successor is elected.

(c) The board shall establish rules of operation for the board that are consistent with the rules and practices applicable to other state boards.

(d) In the absence of the chair during a meeting, the vice chair shall perform all of the functions of the chair.

(e) The chair shall oversee meetings, serve as an ex officio member of all committees, work in partnership with staff to ensure board resolutions are carried out, call special meetings if necessary, appoint all committee chairs and recommend who will serve on committees, prepare agendas for meetings, coordinate the hiring and evaluations of staff and consultants, act as spokesperson for the board, periodically consult with board members on their roles, and ensure that the rules of procedure and decorum contained in this chapter are observed and enforced.

(f) The vice chair shall carry out special assignments as requested by the chair, understand the responsibilities of the chair, and be able to perform the duties of the chair in the chair's absence.

(g) Board staff activities shall not be duplicative of ongoing efforts by other state agencies, including, but not limited to, the State Department of Education and the State Energy Resources Conservation and Development Commission.

(h) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 26215 is added to the Public Resources Code, to read:

26215. (a) The board may establish committees as it deems necessary and appropriate. The chair may, with board approval, define and limit a committee's scope and authority, and establish rules of operation for the committees.

(b) Each committee shall meet and shall make recommendations and reports as deemed necessary or appropriate by the chair or the board.

(c) In the absence of the committee chair, the vice chair shall conduct routine business matters and meetings of the committee.

(d) The status, purpose, and authority of a committee shall be determined by the chair and approved by the board at the time the committee is established by the board. The board may modify a committee's status, purpose, or authority at any time.

(e) A committee may act within its delegated authority without further approval of the board. Committees and committee members shall not make or issue policy statements, recommendations, or media releases without prior approval of the board. A committee activity that implies action by the

board or is outside the committee's delegated authority is prohibited without specific board approval.

(f) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 26216 is added to the Public Resources Code, to read:

26216. (a) The board shall review and evaluate the progress and status of projects and shall prepare, approve, and distribute annual reports of its activities, findings, and recommendations to the Governor, the Legislature, and the public, to the extent these actions are consistent with subdivision (d) of Section 26210. Each annual report shall concern the activities of the board and its committees during the preceding calendar year and shall be distributed within 90 days of the end of the calendar year to which it pertains.

(b) The process for preparing, approving, and distributing the annual reports shall be as follows:

(1) The chair shall be responsible for preparing a draft annual report that shall be presented at a regularly scheduled meeting of the board.

(2) The draft annual report shall be discussed and considered by the board at the meeting and shall be approved as presented or with amendments or changes following the opportunity for, and receipt of, any public comment.

(3) After the meeting, the annual report shall be put into its final approved form and shall be distributed and published on the board's Internet Web site.

(c) The annual report distributed pursuant to this section shall be submitted to the Legislature in accordance with Section 9795 of the Government Code.

(d) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 26217 is added to the Public Resources Code, to read:

26217. (a) Expenses of the board shall be accounted for and paid in a manner that is consistent with the State Administrative Manual and any related processes and procedures. The board may delegate to the chair or staff the authority to approve expenses, pay expenses, or both.

(b) Expenditure items exceeding the board's budget, or expenditure items the chair deems worthy of further consideration, shall be brought before the board for consideration at the next meeting.

(c) The chair shall be responsible for tracking the board's budget and regularly reporting to the board if expenditures are within the amounts planned and what steps have been taken or are proposed to be taken to ensure that the board has sufficient funds to accomplish its annual mission.

(d) The chair may testify before a state authority and his or her actual and necessary travel, meal, and lodging expenses shall be reimbursed.

(e) The expenses of the board shall be published in the board's annual report required by Section 26216.

(f) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

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